

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ROZANN HOWARD, Individually,  
and as Next Friend and natural mother  
of C.C., a minor,

Plaintiffs,

vs.

BIG LOTS STORES, INC., et al.,

Defendants.

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Case No. 09-0126-CV-W-ODS

**DEFENDANTS CROWN MARK, INC. AND BIG LOTS STORES, INC.'S JOINT  
UNOPPOSED MOTION FOR EXTENSION OF TIME TO IDENTIFY EXPERTS AND  
TO EXTEND THE DISCOVERY DEADLINE**

COME NOW, Defendant Crown Mark, Inc. and Big Lots Stores, Inc., (Defendants) by and through undersigned counsel, and move for an extension of time to identify expert witnesses that it intends to call at trial and for an extension of the discovery deadline. In support of this Motion, Defendants state the following:

1. According to the Court's Scheduling Order entered on March 10, 2010, Defendants must identify all expert witnesses that they intend to call at trial on or before August 15, 2010.
2. According to the above mentioned Scheduling Order, all discovery disputes shall be raised with the Court on or before October 1, 2010.
3. Defendants have not sought any prior extensions to identify expert witnesses and have not previously sought to extend the discovery deadline.
4. Defendant Crown Mark, Inc. was brought into this action a year after its initial commencement.

5. Defendants were not able to depose the Plaintiffs until July 23, 2010 and through no fault of any party, the parties are unable to schedule the depositions of Plaintiffs' three identified experts prior to Defendant's deadline to designate experts on August 15, 2010. As a result of these unavoidable delays, Defendants will be unable to designate expert witnesses on or before August 15, 2010.

6. Defendants request that this Court grant a 60 day extension for Defendants to designate expert witnesses. Said extension would move the deadline for Defendants to designate expert witnesses to October 14, 2010.

7. The requested 60 day extension will necessitate an extension of the discovery deadline.

8. This Court noted in the Scheduling Order that the discovery deadline is earlier than the date requested by the parties and stated that it would entertain requests for a short extension in the event that the parties be unable to complete discovery by the deadline through the exercise of due diligence.

9. Defendants, for the reasons set forth above, will be unable to complete discovery through the use of due diligence by October 1, 2010.

10. Defendants request that this Court extend the discovery deadline by 60 days. Said extension would move the discovery deadline to November 30, 2010.

11. As the trial in this matter is currently scheduled to commence on April 4, 2011, the requested extension of the discovery deadline will not affect the trial date.

12. Undersigned counsel for Crown Mark, Inc. has contacted counsel for the Plaintiff and has been informed that Plaintiff does not oppose either of the extensions requested herein.

13. Neither requested extension is made for the purposes of delay.

**WHEREFORE** Defendants Crown Mark, Inc. and Big Lots, Inc, Inc. jointly and respectfully request an extension up to and including October 14, 2010 to identify expert witnesses that it intends to call at trial and an extension of the discovery deadline up to and including November 30, 2010.

**Brown & James, P.C.**

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**BIG LOTS STORES, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 11<sup>st</sup> day of August, 2010, the foregoing was electronically filed with the Clerk of the United States District Court for the District of Missouri by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ David R. Buchanan

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